

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BIRMINGHAM ASSOCIATES LTD.,

Plaintiff,

- against -

ABBOTT LABORATORIES,

Defendant.

07 CV 11332 (SAS)

**STIPULATION AND PROPOSED  
ORDER**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 1/8/08  
DATE FILED: 1/8/08

IT IS HEREBY agreed and stipulated between Plaintiff Birmingham Associates Ltd., and Defendant Abbott Laboratories, by their attorneys, that Defendant's motion to compel arbitration and/or to dismiss or stay this action pending arbitration (the "Motion") shall be filed on or before January 29, 2008; that Plaintiff's opposition to the Motion shall be filed on or before February 19, 2008; and that Defendant's reply in further support of the Motion shall be filed on or before February 29, 2008.

IT IS HEREBY FURTHER agreed and stipulated that Defendant waives any defense as to defects in service of process of the Complaint.

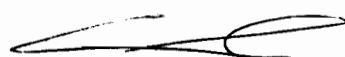
IT IS HEREBY FURTHER agreed and stipulated that Defendant's time to answer the Complaint shall be extended until twenty (20) days after the Court rules on the Motion.

Dated: January 7, 2008



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*Abbott Laboratories*

SO ORDERED:



U.S.D.J. 1/08/08